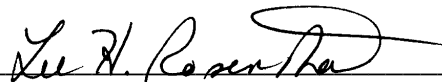


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

Accordingly, this court denies the plaintiff's motion for summary judgment, Docket Entry No. 10, and grants the defendant's motion for summary judgment, Docket Entry No. 8. Final judgment is entered by separate order.

SIGNED on March 21, 2011, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge